



PLANNING COMMISSION

MINUTES

October 29, 2008

4:00 P.M.

**CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS**

COMMISSION MEMBERS

**Edward Whelan, III, Chair
Roy McAfee, Vice-Chair
Dr. Roy Gratz, Secretary
Vic Ramoneda, Chair
Susan Spears
Dr. Paul Ware**

CITY STAFF

**Raymond P. Ocel, Jr., Director
of Planning & Comm. Dev.**

1. CALL TO ORDER

The October 29, 2008 Planning Commission meeting was called to order at 4:00 p.m. by Chairman Ed Whelan who explained the standard meeting procedures.

2. PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS/ACTION ITEMS

3. SUP2008-18. Trista Couser, Eileen's Bakery and Café-Special Use Permit to permit an eating establishment at the property addressed as 1115 Caroline Street. The property is zoned CT, Commercial Transitional and the property is designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel said that at the October 8th public hearing, two members of the public spoke in favor of the application; Rupert Farley and James Lawrence. Planning Commission members discussed the location of the trash receptacles on the side of the building; how often they would be picked up; and if the permit went to the applicant or with the land. Staff indicated that the permit runs with the land along with any conditions attached to the permit.

Mr. Ocel said he and the Zoning Officer met with the applicants on site on October 17th to discuss the trash receptacle location. The applicants indicated that locating the trash cans in the rear of the property would make it more difficult to access them from the kitchen area than from the side as well as making it more difficult to wheel them to the front of the building for pick up. The trash cans will be picked up at least twice a week and be cleaned and washed on a regular basis.

Staff offered to the applicants that if the trash receptacles are to be stored on the north side of the building, that they be screened from view; that they be picked up at least twice a week or more as the volume dictates; that they be washed out on a regular basis in the rear yard area; and that the

lids on the trash receptacles always be secured tightly to eliminate odors and prevent rodents from entering the receptacles and the applicants agreed to these conditions.

Dr. Gratz noted that the applicants had indicated in their application that they may want extended hours in the future. He asked if they would be required to reapply for a special use permit if this were to transpire.

Mr. Ocel said they would need to reapply for the extended hours of operation.

Mr. McAfee thanked staff for working with the applicant on the trash issue. To follow up on Dr. Gratz' question relating to hours of operation, he also confirmed that the applicants requested the hours that are before the Commission at this time.

Dr. Gratz made a motion to recommend approval of the special use permit to include the five conditions recommended by staff.

Mr. McAfee seconded the motion.

Motion carried by a vote of 6 – 0.

4. Zoning Ordinance Text Amendment-Amending City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, Division 4, Parking and Loading and Private Streets in order to implement a fee in lieu of parking program; eliminating the requirement of up to 5 parking spaces for a new business or expansion of an existing business or change of use; provide credit for on-street parking directly abutting a property and decreasing the amount of parking required for uses in the downtown area. These amendments are applicable only to an area in the downtown bounded by Amelia Street to the north; Prince Edward Street to the west; Lafayette Boulevard to the south and Sophia Street to the east.

Mr. Ocel said that during the public hearing on this item Commission members heard from three members of the public in regard to the text amendment. Mr. Farley spoke in favor; Mr. Ulman said that he did not like the fee-in-lieu component of the amendment; and Marguerite Mills stated that more time should be taken to address the issue. The Chairman noted that 2 letters were submitted for the Commissioners consideration.

Commission members made a number of comments in regard to the parking amendment: how to count on street spaces; the 5 space waiver; tourism zone designation and its impact on the ability to waive parking; the number of uses that the amendment is applicable to; the use of the word shall in section 78-119 (2). It was also noted that the amendments would assist downtown businesses; the amendment recognizes that the downtown is a more dense urban area as compared to suburban shopping areas; new spaces are not forthcoming; and this will assist in encouraging downtown development.

Mr. Ocel gave an example of how to count on-street parking places, whether it is the spaces right outside the building or do we count up the amount of designated spaces around a particular block, say there are 24, and you have 8 businesses in that block, does everyone get 3 parking spaces. He said he wanted to get a feel from Commissioners.

Since the October 8th meeting, staff met with Benjamin Walker, President of DRMI to discuss the parking amendments. Staff will also be attending the DRMI mixer on November 13th to address comments and questions by DRMI members in attendance. Therefore, staff recommends that the Commission not take action at this time.

Dr. Ware said his concern is that there are areas in town where there is no parking and there are businesses that front those areas. So, if you don't allow them to count on-street parking then they have no benefit. He said he would like to see a business that has a particular percentage

of frontage on a block to be permitted to have a percentage of those spaces on that block, whatever that may be. He gave an example of a 100 foot block and if someone has frontage of 20 feet they get 20% of the parking, if someone has 50 feet frontage they get 50% of parking and then the other business that has 30 feet of frontage gets the remaining 30%.

Mr. McAfee said that when one purchases a building/business, the frontage of the store is part of the equation and that what Dr. Ware is proposing is fairly equitable in that if you buy a lot of store frontage, then you should be entitled to a corresponding amount of parking. Perhaps to make the mathematics a little simpler, he said, you could apply a minimum of 1 parking spot for any business that has store frontage and then if it exceeds say a particular trigger, such as 20 or 30 feet, then it is entitled to two spaces, rather than going by some actual count of the street spots. He said that would spread the parking wealth a little and be entire equitable to the person who forked out the money for the big store front and help the person who bought the small store front.

Dr. Ware said that would make it easy but it does not account for the actual parking on that block.

Commissioners discussed various ideas in an order to provide a less complicated formula to provide parking in a manner that is fair to everyone concerned.

Mr. Whelan noted that the plan will not physically provide parking spaces but would provide a waiver of that required parking in order to attract businesses to open downtown.

Dr. Ware suggested the uses that the proposed ordinance appears to indicate the City is trying to attract be revisited. He noted that residential uses are not part of the formula and he also said he believes financial institutions should be included.

Mr. McAfee said he had talked with some of the downtown merchants recently and that there had been a misconception that current businesses would have to pay \$5,500 per space.

Mr. Ocel said he had also talked with the President of DRMI to clarify this misconception and that there would be an article in the DRMI newsletter to further clarify.

Mr. Ocel said what he is hearing from a majority of Commissioners is that they do not believe the waiver should be part of the package.

Mr. Ramoneda asked if the city goes with the tourism zone criteria for parking if this would accomplish the same goal as if we did do a five-waiver ordinance.

Mr. Ocel said yes, it would accomplish the same goal but that it would be a completely different process.

Commissioners and staff continued to discuss options to provide a clearer and more definitive ordinance.

Mr. Ramoneda made a motion to table the ZOTA.

Ms. Spears seconded the motion.

Motion carried unanimously by a vote of 6 – 0.

OTHER BUSINESS

5. The October 8, 2008 Planning Commission Minutes were approved.

6. Planning Commissioner Comment

- Mr. McAfee noted that he and Ms. Spears were reappointed to the Commission for an additional four years.

7. Planning Director Comment

- Mr. Ocel provided Commissioners with a copy of the Thurman Brisben Center's Annual report, which is required as one of the conditions of their special use permit.
- Mr. Ocel provided a copy of the City Attorney's notes from the white board.
- Mr. Ocel noted that there are no items for the November 12 Commission meeting but that there would be a work session at 6:00 p.m. that evening and dinner would be provided. Issues to be discussed include, oversized housing; mixed use ordinance.
- Mr. Ocel noted that the City has received a Special Exception request for 1200 Prince Edward Street, which is essentially the same as that proposed previously.
- Mr. Ocel said that the ARB and PC discussed potentially having a public comment period prior to opening their meetings and that it was determined this would not be necessary and would not be a good idea.
- Mr. Ocel said that he spoke with Mr. Ulman of Ulman's Jewelry, who indicated that there were people still using parking placards. Mr. Ocel said he spoke with the police chief who indicated that they do NOT use these anymore and that they should not be honored.

ADJOURNMENT



Edward F. Whelan, III, Chair